

EXHIBIT O

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

- - - - - - - - - - - - - - -x
LEAGUE OF UNITED LATIN AMERICAN :
CITIZENS - RICHMOND REGION :
COUNCIL 4614, ELIUD BONILLA, :
LUCIANIA FREEMAN, and ABBY JO :
GEARHART, :
Plaintiffs, : CIVIL ACTION NO.
v. : 1:18-cv-00423
PUBLIC INTEREST LEGAL FOUNDATION : (LO/IDD)
and J. CHRISTIAN ADAMS, :
Defendants. :
- - - - - - - - - - - - - - -x

Videotaped Deposition of STEVEN ALBERTSON

Washington, D.C.

Tuesday, May 14, 2019

11:04 a.m.

Job No.: 451690

Pages 1 through 185

Reported by: Cassandra E. Ellis, RPR

1 Are you familiar with this
2 report?

3 A Yes, I've seen it before.

4 Q And similarly, behind Exhibit
5 B, there's a report dated May 2017,
6 entitled: Alien Invasion II, The Sequel
7 to the Discovery and Coverup of
8 Non-Citizen Registration and Voting in
9 Virginia.

10 Are you familiar with this
11 report, as well?

12 A I have seen it before.

13 Q Did you have any role in
14 gathering information for use in
15 publication of either or both of these
16 two reports?

17 A To be honest, I have not
18 thoroughly examined the reports, nor did
19 I at the time of their publication. But
20 I -- so I'm not sure exactly what,
21 directly, I might have helped gather
22 showed up in these reports.

23 It's my understanding that the
24 information that I helped gather provided
25 some basis for content of these reports.

1 I'm not trying to parse the words too
2 closely, but I don't want to say that
3 there's a one for one what I helped
4 showed up here. I just don't know that
5 that's the case.

6 Q And how was it that you came to
7 help gather information for these
8 reports?

9 A As I recall, a mutual friend of
10 ours, that is between my -- me and
11 Mr. Adams, informed me of Mr. Adams'
12 activities, thought I might be
13 interested, and I thought it sounded like
14 a worthwhile project, where in my role as
15 an activist and my personal life I
16 probably knew a lot of people who would
17 like to be involved, to the extent that
18 they could be volunteer contributors to
19 the effort.

20 And that's really what my -- my
21 role was, was to facilitate involvement
22 of people in various parts of the
23 Commonwealth. I would say, ultimately,
24 four or five different people.

25 Q And what did the four or five

1 people that you contacted, along with
2 you, yourself, do as part of this effort?

3 A So I didn't do any of the,
4 shall we call it, fieldwork. And the
5 fieldwork involved -- at least I don't
6 recall having done any of it -- the
7 fieldwork involved sending a volunteer
8 out to a local registrar's office, with
9 some sort of a script or set of
10 instructions on what to request from a
11 local registrar, and then, if the
12 registrar complied, how to handle the
13 response. And if the registrar didn't
14 comply what to report back to -- to me to
15 pass along to PILF.

16 Q At the time that you became
17 involved in this effort did you have any
18 understanding as to why it was necessary
19 to actually send people to the
20 registrar's offices in the first place?

21 A I'm sure I had a better
22 understanding of it then than I do now.
23 I'm a busy individual, and I have not
24 gotten fully up to speed on all of the
25 issues surrounding this.

1 But as I recall, there was --
2 and this is based purely on what
3 Mr. Adams had told me -- was that under
4 the National Voter Registration Act there
5 were certain records relating to
6 maintenance of the voter rolls that were
7 susceptible to public disclosure upon
8 request. And there were some county's
9 registrars who were complying with such
10 requests, and others that were not, and
11 that volunteers were needed to go out and
12 sort of punctuate that in the counties
13 where the registrars had not complied
14 with the request.

15 Q Once Alien Invasion I, which is
16 Exhibit A to the complaint, and Alien
17 Invasion II, which is Exhibit B to the
18 complaint, were published were you
19 involved in any activities intended to
20 publicize the findings of the report?

21 A Yes. At the time I was
22 involved with a right-leaning political
23 blog website called thebullelephant.com,
24 and I helped get the report published
25 there. And I think there were a couple

1 of commentaries that -- that also got
2 published in relation to the -- to the
3 report or the reports.

4 Q And after one or both reports
5 was or were published did you have any
6 communications with state or federal
7 prosecutors in Virginia about the
8 possibility of investigating and perhaps
9 prosecuting non-citizens who had
10 registered to vote or voted?

11 A No. No. I certainly
12 speculated about that possibility, on the
13 state level, but I think there were two
14 or three times I may have mentioned it,
15 and -- in speaking to Christian, and
16 Christian rejected my ideas and -- and
17 said he had a plan mapped out at the
18 federal level.

19 So my speculation never went
20 beyond that. And, of course, I can't
21 speak for what anyone else may have done,
22 but --

23 Q And what did you understand the
24 purpose of the Alien Invasion I and Alien
25 Invasion II reports to be?

1 Q And you never heard anything
2 about that during your work on this
3 project?

4 A No. My work was very limited
5 to sending a few folks into the field for
6 an afternoon or two, and then reporting
7 back their findings. I don't recall
8 having any other part, and I didn't write
9 the report or -- or -- in fact, I still
10 haven't read all the way through the
11 report, so not sure what else is out
12 there, but from my perspective my role
13 was just helping to gather a few public
14 records.

15 Q And the public records that you
16 were trying to gather you understood
17 would show what?

18 A So I understood, from my own
19 registrar, and my own clerk of court, in
20 my home county of Stafford, that the
21 records involved reports that were
22 generated by the clerk of court to inform
23 the registrar when members of the jury
24 pool, who, themselves, have been drawn
25 from registered voters, indicated that

1 the progression. And the recipients here
2 are the other contributors to The Bull
3 Elephant, that's what they -- that Google
4 group list is.

5 MR. LOCKERBY: I'd like to
6 have this marked as Exhibit 30,
7 please.

8 (Exhibit No. 30 was marked
9 for identification.)

10 BY MR. LOCKERBY:

11 Q Exhibit 30 is a May 31, 2017
12 e-mail exchange, at least at the top,
13 between you and Christian Adams.

14 And was this in response to a
15 media contact to you about getting
16 Christian Adams on our radio show?

17 A Yes.

18 MR. LOCKERBY: I'd like to
19 have this marked as Exhibit 31,
20 please.

21 (Exhibit No. 31 was marked
22 for identification.)

23 BY MR. LOCKERBY:

24 Q At the top of the first page of
25 Exhibit 31 there's an e-mail from you,

1 dated December 14, 2017, that reads:
2 Please see the attached e-mail
3 correspondence between Perkins Coie and
4 Edgardo Cortes and Liz Howard. I assume
5 it is pretty safe to say that Edgardo and
6 Liz didn't exhibit this closeness with
7 our side of the aisle. Please let me
8 know your thoughts.

9 What were you referring to
10 there?

11 A I don't know what the
12 attachment said, but this was in the
13 context of a recount of the 2017 House of
14 Delegates races where some of my friends
15 had asked me to get involved because I
16 could navigate these things, and knew
17 players and so forth, to help with the
18 effort and the recount.

19 MR. LOCKERBY: I'd like to
20 have this marked as Exhibit 32,
21 please.

22 (Exhibit No. 32 was marked
23 for identification.)

24 BY MR. LOCKERBY:

25 Q Exhibit 32 says it's a FOIA

1 request, dated January 24, 2019, from
2 Andrew C. Hanson, whose office address is
3 listed as 1440 New York Avenue,
4 Northwest, Washington, D.C.

5 That's the address of Skadden,
6 Arps; correct?

7 A It's been asked and answered,
8 but yes.

9 Q And down below there's a
10 request for all written communications
11 with a number of people, one of whom is
12 you; correct?

13 A That's correct.

14 Q When did you become aware that
15 Skadden, Arps was submitting FOIA
16 requests for written communications that
17 various registrars had had with you?

18 A I don't recall.

19 Q But you did become aware of
20 that at some point in time?

21 A Well, eventually, yes, sometime
22 this year.

23 Q And, in fact, this one, because
24 it has the letter prefix, prefix SA,
25 indicates that it's among the documents

1 you produced; correct?

2 A That's what you represented to
3 me.

4 MR. LOCKERBY: I'd like to
5 have this marked as Exhibit 33,
6 please.

7 (Exhibit No. 33 was marked
8 for identification.)

9 BY MR. LOCKERBY:

10 Q Exhibit 33 is another January
11 24, 2019 FOIA request from Andrew Hanson,
12 that references to you -- references you
13 directed to the Albemarle County FOIA
14 officer.

15 Were you previously aware of
16 this?

17 A No, I don't think so.

18 Q What did you do to prepare for
19 your deposition today?

20 A I gathered materials in
21 response to the document portion of the
22 subpoena and consulted with my attorneys.

23 Q Other than counsel have you
24 spoken with anyone else regarding your
25 deposition?

1 A My wife, my mother, just
2 letting them know what I was doing today,
3 in a deposition. But I've not spoken to
4 anyone about the substance or the whole
5 situation.

6 MR. LOCKERBY: Great. Well,
7 thank you. I have no further
8 questions.

9 THE WITNESS: Okay.

10 MR. LOCKERBY: Do you want
11 to --

12 MR. SCHWARTZTOL: We're
13 going to have questions. If we
14 can take about 10 minutes, it
15 might help me to see if there are
16 things I might cross off my list.

17 MR. LOCKERBY: Okay.

18 MR. SCHWARTZTOL: And I
19 might do a better job of not
20 introducing as new exhibits
21 documents that have already been
22 produced.

23 MR. LOCKERBY: Do you want
24 to move over here?

25 MR. SCHWARTZTOL: In the

1 course of the 10 minutes I'll
2 switch positions.

3 MR. LOCKERBY: Okay.

4 THE VIDEOGRAPHER: The time
5 is now 1:46 p.m. We're off the
6 record.

7 (Recess.)

8 THE VIDEOGRAPHER: The time
9 is now 1:59 p.m. We are back on
10 the record.

11 EXAMINATION

12 BY MR. SCHWARTZTOL:

13 Q Good afternoon, Mr. Albertson.
14 We met, briefly, this morning, but my
15 name is Larry Schwartztol. I'm one of
16 the attorneys for the plaintiffs in this
17 case.

18 You understand that you're
19 still under oath; correct?

20 A Correct.

21 Q Okay. And at the beginning of
22 the deposition Mr. Lockerby went over
23 some general ground rules for how the
24 deposition works and keeping the
25 transcript clean. You understand that

1 all of those still apply; correct?

2 A Correct.

3 Q Okay. When was the last time
4 you corresponded with Mr. Adams?

5 A I don't specifically recall,
6 but it's been quite awhile.

7 Q Okay. Did you have any
8 correspondence with him discussing this
9 deposition?

10 A No.

11 Q Okay. And have you had any
12 direct communications with the attorneys
13 representing Mr. Adams or PILF in this
14 matter?

15 A No.

16 Q Okay.

17 A And I say that not concerning
18 this matter, I have had some direct
19 interactions with a couple of the lawyers
20 who are on the matter, but I only
21 discovered that they were on this matter
22 when I actually looked at the pleadings

23 --

24 Q Got it.

25 A -- last week.

1 Q Did you have any conversations
2 with those lawyers --

3 A No.

4 Q -- about this matter?

5 A No.

6 Q Okay. Since 2016 have you, as
7 an attorney, represented any clients
8 outside your capacity as an attorney at
9 Skadden, Arps?

10 A I'm sorry, can you repeat that?

11 Q Sure. Since 2016 have you had
12 any occasion to represent, as an
13 attorney, any clients whom you
14 represented outside your capacity as a
15 Skadden, Arps attorney?

16 A No. That's not something we're
17 allowed to do.

18 Q Okay. Have you ever
19 represented Mr. Adams as an attorney?

20 A No.

21 Q Have you ever represented PILF
22 as its attorney?

23 A No.

24 Q At Skadden is there a process
25 for initiating a new client matter?

1 A Absolutely.
2 Q How does that process work?
3 A It's -- it's a very involved
4 process that involves the -- the
5 conducting research into potential
6 conflicts, going before a client and
7 engagement review committee, issuing an
8 engagement letter, and so forth.

9 Q Have you ever initiated that
10 process for purposes of representing
11 Mr. Adams?

12 A Oh, absolutely not.

13 Q Have you ever initiated that
14 process for purposes of representing
15 PILF?

16 A No.

17 Q Are you aware of any other
18 attorneys at Skadden, Arps who have ever
19 represented Mr. Adams?

20 A No.

21 Q Are you aware of any other
22 attorneys at Skadden, Arps who have ever
23 represented PILF?

24 A No.

25 Q Do you think you'd know if

1 there were other --

2 A I can infer by the fact that
3 we're representing the plaintiffs that
4 there was a conflicts check done and that
5 there would have been no conflict with
6 Mr. Adams or PILF because no such
7 representation existed.

8 Q Okay. So you have said a
9 little bit earlier in the day about the
10 work that you did in connection with the
11 Alien Invasion reports, back in 2016, and
12 I wanted to just ask you a few questions
13 about the timeline on which that took
14 place.

15 A Certainly I'll do my best.

16 Q Great. So let me begin by --
17 and I should confess, I've lost track of
18 what number exhibit we're on.

19 MR. KISTLER: 34.

20 MR. SCHWARTZTOL: 34?

21 (Exhibit No. 34 was marked
22 for identification).

23 MR. SCHWARTZTOL: Now the
24 court reporter will give you what
25 will be marked as Exhibit 34.

1 BY MR. SCHWARTZTOL:

2 Q And let me -- so actually let
3 me first apologize, despite having taken
4 some time to cross-reference exhibits
5 that have already been introduced this is
6 an exhibit that has already been
7 introduced. So we can keep it marked as
8 Exhibit 34 and I will also just represent
9 to you that this was -- it's the same
10 document as Exhibit 12 that you
11 previously answered some questions about
12 earlier in the day.

13 A Okay.

14 Q Okay. So

15 [REDACTED] @Gmail.com, the e-mail
16 address that appears on the top e-mail of
17 this chain, that's your e-mail address;
18 correct?

19 A That's correct.

20 Q Anyone else send e-mails from
21 that address?

22 A No.

23 Q So safe to assume on all these
24 documents the e-mails that come from or
25 sent to [REDACTED] @Gmail.com, those

1 are your e-mails; correct?

2 A Correct.

3 Q Okay. You say in the e-mail
4 sent at 2:13 p.m., on September 9th, that
5 you know Christian and have worked with
6 him before, you're referring to
7 Mr. Adams, the defendant in this case; is
8 that correct?

9 A That's correct.

10 Q In what context have you worked
11 with him before?

12 A I was afraid you might ask me
13 that. I -- I'm having difficulty
14 remembering, but I don't think -- when I
15 did remember this, as I was preparing,
16 that it really wasn't something that I
17 had worked with him before, it was a --
18 we had shared notes on something fairly
19 minor, before. And it had to do, I
20 think, with some issue relating to the
21 electronic signing of voter applications,
22 voter registration applications in
23 Virginia, and how the change that had
24 come from the State Board of Elections
25 with regard to that had apparently

1 circumvented the typical rules-making
2 process. That's my best recollection. I
3 don't think we did any work, per se; it
4 was just a, hey, what do you think of
5 this, kind of thing.

6 Q Do you remember what year that
7 would have been?

8 A That would have been 2015.

9 Q Okay. So prior to this e-mail
10 exchange had you corresponded in any way
11 with Mr. Adams about the Alien Invasion
12 report?

13 A I'm pretty sure I did not. But
14 again, if you showed me something, I
15 wouldn't be surprised. But I'm pretty
16 sure this -- this is what started it.

17 Q Sure. You can't think of any
18 correspondence --

19 A Correct.

20 Q -- right now? Okay.

21 MR. SCHWARTZTOL: Okay. I
22 am going to give you a new
23 document, going to give you what
24 will be marked as Exhibit 35.

25 (Exhibit No. 35 was marked

1 for identification.)

2 MR. LOCKERBY: There's no
3 video on the internet feed.

4 THE VIDEOGRAPHER: The time
5 is now 2:07 p.m. We're off the
6 record.

7 (Technical issues.)

8 THE VIDEOGRAPHER: The time
9 is now 2:10 p.m. We are back on
10 the record.

11 BY MR. SCHWARTZTOL:

12 Q This chain of e-mails includes
13 e-mails from the e-mail address
14 [REDACTED]@Skadden.com, is it safe
15 to assume that's your e-mail address?

16 A Correct.

17 Q Okay. And same questions as
18 before, does anyone else write e-mails
19 using that e-mail address?

20 A No.

21 Q Okay. So the e-mails from that
22 address, those are your e-mails?

23 A Certainly not that I'm aware
24 of, unless the Russians are also hacking
25 this process, also.

1 is in reference to?

2 A No. Do I need to read this and
3 make a surmise?

4 Q Feel free to read the document,
5 if you need to, to answer the question.

6 But my question is just whether looking
7 at that exchange of e-mails you know what
8 that refers to?

9 A I have no idea, no.

10 MR. SCHWARTZTOL: Okay.

11 Great. Okay. I'm going to give
12 you Exhibit 39, which is the
13 transcript of the deposition of
14 Mr. Adams in his capacity as a
15 Rule 30(b)(6) designee of PILF in
16 this lawsuit.

17 (Exhibit No. 39 was marked
18 for identification.)

19 BY MR. SCHWARTZTOL:

20 Q Do you know what a 30(b)(6)
21 deposition is?

22 A Yes.

23 Q Okay. And is it your
24 understanding that when a witness is
25 designated pursuant to Rule 30(b)(6)

1 they're supposed to study the records of
2 the organization on whose behalf they're
3 testifying and generally seek to give
4 truthful testimony?

5 A That's my understanding.

6 Q Okay. Have you ever seen this
7 document before?

8 A No.

9 Q Okay. Let me ask you to turn
10 to page 78, line 13.

11 A So physical page 78 or --

12 Q Transcript page 78.

13 MR. KISTLER: It's physical
14 page 21.

15 THE WITNESS: Okay.

16 BY MR. SCHWARTZTOL:

17 Q Okay. So starting at line 13,
18 you see that Mr. Adams is being
19 questioned about a document bearing the
20 Bates number PILF Adams 0046537 through
21 0046538?

22 A Yes.

23 Q And could you just take a look
24 at the -- the previous exhibit, Exhibit
25 38, and confirm that that document bears

1 that same Bates number -- or excuse me,
2 two exhibits back, Exhibit 37.

3 A Can you reread the Bates number
4 for me? Yeah, I think that's Exhibit 38.

5 Q 38, yes, excuse me.

6 A Yes. Those -- that's the Bates
7 number that we have for Exhibit 38.

8 Q Great. Okay. So let me refer
9 you to page 80, line 20 of the deposition
10 transcript, and ask you to read from that
11 line --

12 A What -- what -- what page?

13 Sorry.

14 Q Page 80, line 20.

15 A Yeah? Okay.

16 Q And let me ask you to read from
17 there through page 82, line two. And
18 just let me know when you're done.

19 A Okay. So line 20, Q, okay, now
20 when you --

21 Q You don't need to read out
22 loud. I'm going to ask you some
23 questions about this exchange.

24 A Very good.

25 Q Just wanted to give you a

1 minute to --

2 A I have it on video now.

3 Wow. Wow. So I'm at the
4 bottom of page 82.

5 Q Okay. Mr. Albertson, I
6 gathered from your response while reading
7 that that you were surprised to read that
8 testimony?

9 A I am surprised, and -- and,
10 frankly, disappointed.

11 Q Can you please tell me why
12 you're surprised and disappointed?

13 A Because it was always
14 represented to Mister -- and this is the
15 first time I have seen this -- it was
16 always represented by me, to Mr. Adams,
17 it was very clear that this was being
18 done in my personal capacity, not on
19 behalf of my law firm. It was very
20 abundantly clear, obvious, that's number
21 one.

22 Number two, I had nothing to do
23 with the effort in Prince William,
24 absolutely nothing to do, and -- and as
25 far as I know, it looks like he's just

1 making it up that somebody from Skadden
2 had something to do with that.

3 Number three, there were
4 Skadden, Arps e-mails, from Skadden, Arps
5 lawyers, plural. Again, to my knowledge
6 there was no one else from Skadden, Arps.

7 This appears to me to be Mr. Adams
8 grasping at straws and -- and just making
9 stuff up, defamatory, honestly, about my
10 law firm, simply because of something I
11 did in my personal capacity, as a
12 well-established activist in Virginia
13 politics, fully apart and aside from my
14 work at Skadden, Arps.

15 Q Thank you, Mr. Albertson, and I
16 have to say, because we're going to talk
17 about some other excerpts in this
18 transcript, I think you may continue to
19 feel surprised and disappointed by -- by
20 some of the testimony, but I'll --

21 MR. LOCKERBY: I'm going to
22 object to the gratuitous comment,
23 which is not a question.

24 MR. SCHWARTZTOL: Okay.

25 ///

1 BY MR. SCHWARTZTOL:

2 Q So just to put a fine point on
3 the testimony you just gave, the document
4 in which Mr. Adams refers to the notion
5 that David Norcross says: We hit pay
6 dirt.

7 A Can I stop and -- I -- I'd like
8 to amend my previous answer, if that's
9 okay with you?

10 Q Sure.

11 A The -- the other thing, where
12 Mr. Adams says, on page 81, well, you
13 know you don't need a retention letter to
14 have a client. And in this particular
15 instance I had assumed that Skadden, Arps
16 was assisting. He has absolutely no
17 basis other than some e-mails that came
18 from a Skadden, Arps e-mail account on
19 which -- to -- to -- to state that.

20 There was never any meeting of
21 the minds, there was never any provision
22 of legal advice in an attorney-client
23 sense, absolutely none, none.

24 Please resume your question.

25 Q And is it safe to conclude

1 further, Mr. Albertson, that because the
2 e-mail that references having hit pay
3 dirt was exchanged in August of 2016, and
4 references documents that were obtained,
5 in light of the fact that you didn't
6 begin this project until September of
7 2016 that it's not possible that you
8 could have been providing assistance in
9 obtaining the records from Prince William
10 County?

11 A That's correct.

12 Q Okay. So to the best of your
13 understanding, in the testimony that you
14 just reviewed, was Mr. Al -- excuse me --
15 was Mr. Adams testifying untruthfully?

16 A Yes.

17 Q Let me direct your attention to
18 page 85, line four. Please read from
19 line four on that page to line 19. Just
20 let me know when you're done.

21 A I'm done.

22 Q Do you have any reaction to
23 that testimony?

24 A It's a lie, for the reasons
25 that we've just previously established.

1 I was not involved with this. He had no
2 basis on which to suggest that Skadden
3 was involved in prying this data loose
4 from Prince William County, none, at all,
5 zero.

6 Q Let me ask you to look at page
7 88, line four.

8 A In fact, he would have had zero
9 reason to suggest that I had anything to
10 do with it, much less Skadden, Arps.

11 Can you please repeat your
12 question?

13 Q Sure. Well, let me -- let me
14 ask you to elaborate on the last
15 statement you just made. Why would he
16 have no reason to believe that you had
17 any role in what's described there?

18 A Because I hadn't had any
19 contact with him on this whole subject
20 until the following month, much less been
21 involved early enough to, quote, unquote,
22 hit pay dirt in August.

23 Q Let me ask you to look at page
24 88, line four, and to read from line four
25 on page 88 through page 91, line one.

1 And again, just let me know when you're
2 done.

3 A 391, you say?

4 Q Yes, sir, 91, page one --
5 excuse me, page 91, line one. Are you
6 done?

7 A Yes.

8 Q Do you have a reaction to that
9 testimony?

10 A Same as the last one,
11 there's -- there's absolutely no basis
12 for this.

13 Q In the testimony that you --

14 A And it's just -- he wants to
15 say Skadden, Arps, when he knows that's
16 not true. And he also knows it's true
17 that it's not me. There's no basis for
18 this.

19 Q And so in this testimony that
20 you just reviewed, to the best of your
21 knowledge, Mr. Adams is testifying
22 untruthfully; is that correct?

23 A Yes.

24 Q A few lines down on page 91,
25 let me ask you to read lines 12 through

1 21. Please tell me when you're done.

2 A Okay.

3 Q Okay. So he refers here to
4 your law firm's lawyer at Skadden, Arps
5 also organized an effort to collect
6 documents from those recalcitrant --
7 recalcitrant counties to try to duplicate
8 the success he enjoyed in Prince William
9 County in getting the documents to PILF?

10 A Correct.

11 Q When he refers to a lawyer who
12 organized an effort to collect documents
13 from a recalcitrant counties is it
14 possible he is, in fact, referring to you
15 there?

16 A I --

17 MR. LOCKERBY: Objection to
18 the form.

19 A I'm assuming that -- and to be
20 most charitable, he's conflating some
21 sort of a memory of the effort that I
22 undertook to get some volunteers in some
23 other counties. So I assume that's what
24 he means there.

25 But to say that it is to try to

1 duplicate the success he enjoyed in
2 Prince William County in getting the
3 documents to PILF is made up.

4 Q Because you weren't involved in
5 those efforts; correct?

6 A Correct.

7 Q Okay. That's all on the
8 deposition transcript, all the questions
9 I'll be asking you on that transcript.

10 So you did, at some point, come
11 to do some work with Mr. Adams in
12 connection with the Alien Invasion
13 report; correct?

14 A Yes.

15 Q Tell me about the role you
16 played.

17 THE WITNESS: I want to read
18 this later.

19 MS. MURPHY: I know.

20 THE WITNESS: The role I
21 played in -- in what, I'm sorry?

22 BY MR. SCHWARTZTOL:

23 Q In connection with the
24 preparation of the Alien Invasion report?

25 A No. I just helped him gather

1 A No. I'm sorry, I wish I could
2 give you a more solid answer. But I'll
3 also draw your attention to the fact that
4 the sentence after that which you just
5 quoted says: Our, sic, report now
6 assumes they got no more data from them.

7 Again, I think you could
8 probably read that either way. I have no
9 recollection of providing data. I'm not
10 just going to -- I can't rule out that I
11 did.

12 Q Understood. Thanks.

13 MR. SCHWARTZTOL: And I'm going
14 to show you another document. Are we on
15 42?

16 THE VIDEOGRAPHER: Yes.

17 MR. SCHWARTZTOL: 42, okay.

18 (Exhibit No. 42 was marked
19 for identification.)

20 BY MR. SCHWARTZTOL:

21 Q Give you a minute to read the
22 exchanges of e-mails, here. Just let me
23 know when you're done.

24 A Okay.

25 Q Who is Jordan Labiosa?

1 A He is a local activist in Craig
2 County, Southwest Virginia, whom I had
3 sought assistance from in finding a way
4 to make the data actionable.

5 Q Would you describe Mr. Labiosa
6 as a liberal Democrat?

7 A No.

8 Q Why not?

9 A Because he is a pretty staunch
10 Libertarian conservative.

11 Q Okay. What does Mr. Labiosa
12 tell you about the run list that you sent
13 him?

14 A He was uncomfortable with
15 proceeding with the project because one
16 of the individuals on the list was
17 somebody that he had been close to or
18 pictured on Facebook with and had
19 participated in previous elections.

20 Q And could you read out loud
21 your response to him?

22 A Is it possible your friend is
23 one of the accidentals, i.e., those who
24 are citizens but had trouble with the
25 forms? It's looking like that's 10 to 15

1 percent of what we have and many of those
2 have been reinstated. Not looking to
3 take action against those folks, of
4 course.

5 Q When you refer to the 10 to 15
6 percent of what we have, who is the we
7 that you're referring to?

8 A I'm assuming the reference
9 there is to the effort, the joint PILF
10 grassroots kind of effort to -- to gather
11 this data.

12 Q What was your basis for that 10
13 to 15 percent estimate?

14 A I believe that was something I
15 would have gotten from Mr. Adams.

16 Q Can you think of any other
17 potential basis for your estimate as to
18 the rate of accidentals within that list?

19 A Well, I have no other -- I
20 would not have gotten any information on
21 the data from any other source that --
22 that -- that I can recall. The only
23 other information I got about this, and I
24 think I mentioned or alluded to this
25 earlier, was my own clerk of court and

1 general registrar in Stafford County had
2 both indicated to me their faith that the
3 data were, you know, accurate.

4 It was never posited, you know,
5 could somebody have mistakenly checked
6 the box. My -- I think they would have
7 been incredulous at the thought. But
8 I'm, you know, just speculating there.

9 But those are the only folks
10 that I talked to about, until Jordan,
11 about whether or not there was somebody
12 on the list that shouldn't have been, as
13 I recall.

14 Q Do you have any basis for
15 knowing that the rate of accidentals on
16 that list would not have been higher than
17 15 percent?

18 A No.

19 Q Did anyone at PILF give you any
20 guidance on how to reduce the percentage
21 of accidentals on any of these lists?

22 MR. LOCKERBY: Object to the
23 form.

24 A Not that I recall.

25 Q Did you provide any guidance